Federal Communications Commission   **DA 00-93**

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

	)	
In the Matter of	)	
The CB Shack	)	NAL/Acct. 915AT0002
500 Alabama Highway, 69 South	)	
Hanceville, Alabama 35077	)	
	)	

MEMORANDUM OPINION AND ORDER

Adopted: January 14, 2000   Released: January 18, 2000

By the Chief, Enforcement Bureau

1. In this Order, we deny the request made in your letter responding to the Forfeiture Order in this matter filed on June 25,
1999, by Don Sizemore on behalf of the CB Shack.[1] For purposes of review, your letter will be considered as a petition for
reconsideration. See Section 1.106 of the Commission's Rules, 47 C.F.R. ' 1.106; Section 405 of the Communications Act of
1934, as amended (``the Act''), 47 U.S.C. ' 405.

2. Section 405 of the Act requires a petition for reconsideration to be filed within 30 days of the date from which public notice
of the action is given. In this particular case, public notice of the action was given on May 5, 1999, the date the Forfeiture
Order was released. Therefore, a petition for reconsideration of the Forfeiture Order had to be filed with the Commission by
June 4, 1999, in order to be considered timely. Your response was not postmarked until June 21, 1999, and was not received
by the Commission until June 25, 1999. Consequently, your petition for reconsideration was not timely filed and must be
dismissed. See Gardner v. FCC, 530 F.2d 1086 (D.C. Cir. 1976).

3. Further, had your petition for reconsideration been timely filed, it would have been denied because the arguments you have
included have already been addressed by the Forfeiture Order. Additionally, you have not provided any financial information
to support your inabilty to pay claim.

4. Accordingly, pursuant to Section 405 of the Act, your petition for reconsideration of the Forfeiture Order issued for the
above-referenced NAL is hereby DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

Footnotes:

[1] 14 FCC Rcd 7067 (Compl. & Inf. Bur. 1999).